

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Conf. No.: 4609

JOHANSSON et al.

Atty. Ref.: 4127-21

Serial No. 10/524,240

Group: 2817

Filed: February 10, 2005

Examiner: Lee, B.T.

For: PARALLEL PLATE WAVEGUIDE STRUCTURE

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Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated October 26, 2006, Applicant elects Species I (the embodiment of Fig. 1, claims 1-5, 7-12, 14-16, 22-23, 25-27 and 52) for further prosecution in the event no generic claim is finally held to be allowable.

This election is made without traverse. However, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained.

The Commissioner is authorized to charge the undersigned's deposit account no. 14-1140 in whatever amount is necessary for entry of this Amendment and the continued pendency of the captioned application, including but not limited to any extension of time fees.